

Amdt. dated May 25, 2004  
Reply to Office action of 03/25/2004

Serial No. 09/627,662  
Docket No. CA990022US1  
Firm No. 0055.0022

## REMARKS/ARGUMENTS

### Request for an Interview

Applicants are submitting PTOL-413A requesting a telephone interview with the Examiner. The Examiner is requested to contact the Attorney/Agent at telephone number 310-557-2292 to set up the time for the interview if the Examiner maintains the rejections to the claims.

### Objections to the Drawings / Amendment to the Drawings and Specification

The Examiner objected to the drawings and indicated that "incrementally updates the index" and "rebuilds the index" are not shown in the drawings. In response, applicants have added a new FIG. 4 that includes elements that show incremental updates to the index and rebuilds of the index. No new matter has been added in FIG. 4.

Support for FIG. 4 can be found in at least original claim 20, page 11: lines 18-24, page 8: lines 25 - page 11: lines 7, pages 6-16, and original claims 1-56 of the application. Additionally, FIG. 4 is also fully supported by the disclosure of the Canadian Patent Application Serial No. 2,279,119, filed on July 29, 1999, which application has been incorporated in its entirety in the current application. Thus, the specification has been amended to refer to FIG. 4 without adding any new matter with respect to the Canadian Patent Application Serial Number No. 2,279,119 filed on July 29, 1999.

### Claim Rejections

#### 35 U.S.C. §112 Rejections

The Examiner rejected claims 27, 37, and 47 under 35 U.S.C. §112 second paragraph by indicating that the word "respectively" gave an ambiguous meaning for each selected operation. In response, the Applicants have amended claims 27, 37, and 47 to remove the word

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“respectively” and made changes that clarify the claim language. The amendments to the claims should be entered because the amendments clarify the claim language to remove the ambiguity pointed out by the Examiner.

#### Withdrawn Claims

Claims 1-26 had been withdrawn in an earlier paper as the result of an earlier restriction requirement. In view of the Examiner's earlier restriction requirement, applicant retains the right to present claims 1-26 in a divisional application.

#### 35 U.S.C. §103 Rejections

The Examiner rejected as obvious (35 U.S.C. §103) pending claims 27-56, 58, 61, 64 as being unpatentable over Ponnekanti (US 6,591,269) in view of Watkins (US 6,457,017). The Examiner has rejected as obvious (35 U.S.C. §103) pending claims 57, 60, 63 as being unpatentable over Ponnekanti, in view of Watkins, and in view of Huang (US 6,026,406). The Examiner has also rejected as obvious (35 U.S.C. §103) pending claims 59, 62, 65 as being unpatentable over Ponnekanti, in view Watkins, and in view of Sundara (US 6,360,228).

Applicants have amended independent claims 27, 37, 47 and traverse the claim rejections.

#### 1) Claims 27, 37, and 47

Independent claims 27, 37, and 47 disclose a system, method, and program for updating an index on a database table when data is added to the table, comprising:

receiving data records to load into the table;

selecting one of a first operation and second operation, wherein the first operation incrementally updates the index on the table as each received data record is added to the table

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and the second operation rebuilds the index from the table after all the received data records have been added to the table; and

using the selected first operation to incrementally update the index with the data from the received data records, and using the selected second operation to rebuild the index with the data from the received data records.

The Examiner rejected as obvious [35 U.S.C. §103(a)] pending claims 27, 37, 47 as being unpatentable over Ponnekanti in view of Watkins.

Applicants have amended claims 27, 37, and 47 to overcome the objections under 35 U.S.C. §112 that have been discussed above. In particular, applicants have amended claims 27, 37, and 47 to remove the word "respectively" and made changes that clarify the claim language. The amendments to the claims should be entered because the amendments clarify the claim language to remove the ambiguity pointed out by the Examiner. In the amended claims, the selected first operation is used to incrementally update the index with the data from the received data records, and the selected second operation is used to rebuild the index with the data from the received data records. Therefore, the claims require performing both of the following:

- (a) using the selected first operation to incrementally update the index; and
- (b) using the selected second operation to rebuild the index.

The cited Ponnekanti (col. 2: lines 58-60; col. 3: lines 4-30; col. 4: lines 20-26; col. 6: lines 1-45; col. 7: lines 50-63; col. 13: lines 35-67; col. 16: lines 2-67; col. 18: lines 37-67; item 160 in FIG. 1B) discusses rebuilding an index, where the index is stored as a B+- Tree data structure. The cited Watkins (FIG. 2, col. 3, lines 8-26, and col. 5: lines 10-38) discusses incrementally indexing managed files of a document management system. The cited Watkins also discusses a bulk file creator that allows incrementing indexing.

Neither the cited Ponnekanti nor the cited Watkins teach or suggest the claim requirement of selecting one of a first operation and second operation, and using the selected first operation

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to incrementally update the index and using the selected second operation to rebuild the index. The claim also requires, rebuilding the index (i.e., a full rebuild of the index) after all the received data records have been added to the table.

In fact, the cited Ponnekanti teaches away from the claim requirements because the cited Ponnekanti repeatedly argues against incremental updates. For example, Ponnekanti in col. 11, lines 60-62 discusses that it is desirable to rebuild a few hundred pages in a transaction. Also, in col. 13, lines 1-15 Ponnekanti discusses the advantage of rebuilding multiple pages in a single action. Ponnekanti in col. 13, lines 11-15 discusses that besides saving log space, it has also been observed that rebuilding multiple pages in a top action reduces the number of visits to level 1 pages significantly, reducing the calls to lock manager, latch manager, and the like. Additionally, in col. 19, lines 43-50 Ponnekanti discusses that by rebuilding multiple leaf pages in each top action, the updates to level 1 pages can be batched resulting in significant reduction in logging and CPU time. In fact, Ponnekanti explicitly argues against incremental update by discussing in col. 18, lines 52-54 that incremental reorganization is difficult and by performing inline reorganization, the approach of Ponnekanti avoids the problems of incremental reorganization.

The cited Watkins discusses incrementally indexing managed files of a document management system. However, nowhere does the cited Watkins teach or suggest the claim requirement of using the selected first operation (incremental update) to incrementally update the index and using the second operation (rebuilding the index) to rebuild the index with the data from the received data records. In fact, the cited Watkins teaches away from the claim requirements because the cited Watkins performs incremental updates but not rebuilds of the index. The cited Watkins (col. 15: lines 53-55) provides advantages of the approach provided by the cited Watkins by discussing that the system dynamically updates metadata definitions on the fly without rebuilding the database or restarting the system. The cited Watkins (col. 9: lines 52-56) discusses the advantages of adding another attribute to the definition of, for example, a customer folder, without restarting or reorganizing the database. Therefore, the cited Watkins

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argues against rebuilding the index. In his "response to arguments" section of the office action, the Examiner has indicated that the cited Watkins discusses that a bulk file creator is used to delete, add, or update the indexes, which is an efficient method of file indexing. However, the cited Watkins discusses (col. 5: line 29-32) that "the bulk file creator 40 is a class which comprises a part of the infrastructure that allows incremental indexing by indexing only files that have been added or removed." The file indexing mentioned by the Examiner is different from rebuilding the index as required by the claims. Therefore, the bulk file creator discussed in the cited Watkins is for incremental indexing and does not teach or suggest selecting the second operation to rebuild the index as required by the claims.

Therefore, neither the cited Ponnekanti nor the cited Watkins teach or suggest the claim requirement of selecting one of a first operation and a second operation, and using the selected first operation (incremental update) to incrementally update the index and using the second operation (rebuilding the index) to rebuild the index. While the cited Ponnekanti discusses rebuilding indexes, the cited Ponnekanti argues against incremental updates. The cited Watkins discusses incremental updates but argues against rebuilding the index. The claims require, selecting the first operation to incrementally update the index and selecting the second operation to rebuild the index and this requirement is neither taught nor suggested by either the cited Watkins or the cited Ponnekanti, either alone or in combination. Furthermore, the claims require selecting between incrementally updating the index and rebuilding the index, whereas Ponnekanti discusses rebuilding the index to the exclusion of incremental updates and Watkins discusses incremental updates to the exclusion of rebuilding the index.

The Examiner mentions that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ponnekanti with the teaching of Watkins so as to obtain an operation of incremental updates to the index in order to increase the database system response time. Neither the cited Ponnekanti nor the cited Watkins

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teach or suggest the claim limitation of using the selected first operation to incrementally update the index and using the selected second operation to rebuild the index.

Even if for the sake of argument, the teachings of Ponnekanti were combined with the teachings of Watkins that would still not render the resulting combination obvious as Ponnekanti explicitly argues against incremental rebuilding, and Watkins argues against rebuilding the index as discussed above in arguments presented for the patentability of claim 1. Furthermore, according to MPEP (Rev. 1, Feb 2003) §2143.01 (page 2100-125) "fact that references can be combined or modified is not sufficient to establish prima facie obviousness" and "the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." There is no suggestion in either the cited Ponnekanti or the cited Watkins to suggest the desirability of combining the cited Ponnekanti to the cited Watkins to arrive at the claim requirements. Just increasing the database response time as discussed by the Examiner is a general advantage that is present in many database systems and the cited Ponnekanti's discussion of the increasing the speed of retrieving any particular data record of a table is not in reference to incremental updates as required by the claims. Rather, the cited Ponnekanti's discussion of increasing the speed of retrieving is with respect to rebuilding the index. Hence, there is no teaching or suggestion in the cited Ponnekanti or the cited Watkins to arrive at the claimed combination. Applicants further submit that the neither Watkins nor Ponnekanti suggests the claimed combination of selecting one of a first operation and second operation, wherein the first operation incrementally updates the index on the table as each received data record is added to the table and the second operation rebuilds the index from the table after all the received data records have been added to the table, and using the selected first operation to incrementally update the index with the data from the received data records, and using the selected second operation to rebuild the index with the data from the received data records.

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Furthermore, neither the cited Ponnekanti nor the cited Watkins teach or suggest, either alone or in combination, performing both of the following as required by the claims:

- (a) using the selected first operation to incrementally update the index; and
- (b) using the selected second operation to rebuild the index.

For the above reasons, pending independent claims 27, 37, and 47 are patentable over the cited Ponnekanti and the cited Watkins because neither Ponnekanti nor Watkins teach or suggest all the claim limitations either alone or in combination.

2) Claims 28-36, 38-46, 48-65

The Examiner has also rejected pending claims 28-36, 38-46, 48-65 that depend directly or indirectly on the pending independent claims 27, 37, or 47. Applicants submit that these claims are patentable over the cited art because they depend from claims 27, 37, or 47 which are patentable over the cited art for the reason discussed above, and because the combination of the limitations in the dependent claims 28-36, 38-46, 48-65 and the base and intervening claims from which they depend provide further grounds of distinction over the cited art

3) Claims 28, 38, and 48

Pending claims 28, 38, and 48 depends from claim 27, 37 and 47 respectively and further require determining which of the first operation or second operation is more efficient, wherein the first or second operation determined to be more efficient is the selected operation used for updating the index with the received data records.

The cited Ponnekanti (co. 13: lines 50-67) discusses updating the index by rebuilding the index via insert and delete operations. The first operation of the claim requirements is for incrementally updating the index and the second operation of the claim requirements is for

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rebuilding the index. Nowhere, does the cited Ponnekanti teach or suggest the first operation of incrementally updating the index.

For the above reasons, pending independent claims 28, 38, and 48 are patentable over the cited Ponnekanti and the cited Watkins, because neither the cited Ponnekanti nor the cited Watkins teach or suggest all the claim limitations either alone or in combination.

4) Claims 29, 39, and 49

Pending claims 29, 39, and 50 depends from claim 28, 38 and 48 respectively and further require determining which operation is more efficient is a function of a percentage of the received data records to add to the table and characteristics of the index.

Nowhere does the cited Ponnekanti (col. 8, lines 22-30; col. 9: lines 48-55; col. 11: lines 15-28) teach or suggest the claim requirements of determining which operation is more efficient as a function of a percentage of the received data records to add to the table and characteristics of the index.

Col. 8, lines 22-30 of the cited Ponnekanti discusses rebuilding an index in a B+- tree with no teaching or suggestion of determining between the relative efficiency of a first operation (incremental update) and a second operation (rebuilding the index after all data records have been added).

Col. 9, lines 48-55 of the cited Ponnekanti discusses the likelihood of blocking which does not teach or suggest in any way the determination of the relative efficiency of a first operation (incremental update) and a second operation (rebuilding the index after all data records have been added).

Col 11, lines 15-28 of the cited Ponnekanti discusses retraversal strategies of the B+- tree with no teaching or suggestion of determining between the relative efficiency of a first operation (incremental update) and a second operation (rebuilding the index after all data records have been added).



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For the above reasons, pending dependent claims 29, 39, and 49 are patentable over the over the cited over the cited Ponnekanti and the cited Watkins, because neither the cited Ponnekanti nor the cited Watkins teach or suggest all the claim limitations either alone or in combination.

5) Claims 32, 42, and 52

Pending claims 32, 42, and 52 depends from claims 28, 38, and 48 respectively and further require determining which operation is more efficient further comprises considering at least one of a following factors: an estimated time required to extract index keys from the table, an estimated time to sort the index keys, and an estimated time to rebuild the index from the sorted keys.

Nowhere does the cited Ponnekanti (col. 2, lines 1-16; col. 6: lines 30-45; coil. 13: lines 35-67; col. 16: lines 2-67) teach or suggest the claim requirements of determining which operation is more efficient by considering at least one of a following factors: an estimated time required to extract index keys from the table, an estimated time to sort the index keys, and an estimated time to rebuild the index from the sorted keys. The cited Ponnekanti discusses rebuilding the index without incremental updates and does not teach or suggest determining which operation (i.e., the first operation of incremental update or the second operation of rebuilding the index) is more efficient as required by the claims.

For the above reasons, pending dependent claims 32, 42, and 53 are patentable over the over the cited over the cited Ponnekanti and the cited Watkins, because neither the cited Ponnekanti nor the cited Watkins teach or suggest all the claim limitations either alone or in combination.

6) Claims 33, 43, and 53

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Pending claims 33, 43, and 53 depends from claims 28, 38, and 48 respectively and further require maintaining a list of threshold values for different index sizes and using the number of received data records to add to the table to determine a comparison value, wherein determining whether the first or second operation is more efficient is based on the comparison value and the threshold for the size of the index to be updated.

Nowhere does the cited Ponnekanti (col. 2, lines 1-16; col. 6: lines 30-45; coil. 13: lines 35-67; col. 16: lines 2-67) teach or suggest the claim requirements of maintaining a list of threshold values for different index sizes and using the number of received data records to add to the table to determine a comparison value, wherein determining whether the first or second operation is more efficient is based on the comparison value and the threshold for the size of the index to be updated. The cited Ponnekanti discusses rebuilding the index without incremental updates and does not teach or suggest determining which operation (i.e., the first operation of incremental update or the second operation of rebuilding the index) is more efficient based on the comparison value and the threshold for the size of the index to be updated as required by the claims.

For the above reasons, pending dependent claims 33, 43, and 55 are patentable over the over the cited over the cited Ponnekanti and the cited Watkins, because neither the cited Ponnekanti nor the cited Watkins teach or suggest all the claim limitations either alone or in combination.

#### 7) Claims 36, 46, and 56

Pending claims 36, 46, and 56 depend from claims 33, 43, and 53 respectively and further require that the first operation is more efficient if the comparison value is less than the threshold value and wherein the second operation is more efficient if the comparison value is greater than the threshold value.

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Nowhere does the cited Ponnekanti teach or suggest the claim requirement that the first operation (i.e., incremental update) is more efficient if the comparison value is less than the threshold value and wherein the second operation (rebuilding the index) is more efficient if the comparison value is greater than the threshold value.

The cited Ponnekanti (col. 7: lines 50-55; col. 5: lines 56-67; col. 7: lines 55-64; fig 2B; col. 7, lines 1-28; col. 8, lines 31-50; col. 13: lines 50-67) discuss rebuilding the index but not rebuilding the index. Nowhere does the cited Ponnekanti teach or discuss the claim requirement of that the first operation (i.e., incremental update) is more efficient if the comparison value is less than the threshold value and wherein the second operation (rebuilding the index) is more efficient if the comparison value is greater than the threshold value. In contrast, the cited Ponnekanti discusses efficiency issues in rebuilding the index without incremental updates.

For the above reasons, pending dependent claims 33, 43, and 55 are patentable over the over the cited over the cited Ponnekanti and the cited Watkins, because neither the cited Ponnekanti nor the cited Watkins teach or suggest all the claim limitations either alone or in combination.

8) Claim 57, 60, 63

Claim 57 depends on claim 27, wherein selecting is performed by a heuristic determination function.

The Examiner has rejected [Page 11, Item 8 of the office action] as obvious (35 U.S.C. §103) pending claims 57, 60, 63 as being upatentable over Ponnekanti, in view of Watkins, and in view of Huang (US 6,026,406).

The Examiner acknowledges that the cited Ponnkeanti and the cited Watkins do not teach or suggest a heuristic determination function (office action: page 11). To cited Huang (col. 2: lines 34-42, col. 3: lines 12-20; col. 6: lines 8-21) discuss using a user defined cost threshold value (Huang: col. 6: lines 8-11) to perform index maintainence operation. Therefore, nowhere

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does the cited Huang teach or suggest using a heuristic determination function. In contrast, the cited Huang is using a user defined cost threshold value. Nowhere does the cited Huang teach or suggest that the user defined cost threshold value is determined heuristically or is a heuristic determination function as required by the claims.

Even if for the sake of arguments, the cited Huang performs a selection using a heuristic determination function, the selection is for different from that required by the claim limitations of selecting one of a first operation and second operation, wherein the first operation incrementally updates the index and the second operation rebuilds the index from the table after all the received data records have been added to the table. In contrast, the cited Huang discusses the selection for batch processing of updates or for per update approaches. Even if for the sake of arguments, the cited Huang taught a heuristic determination function, using the heuristic determination function to choose between full rebuild discussed in the cited Ponnekanti and the incremental update discussed in the cited Watkins is not taught, suggested or the desirability of the claimed combination motivated or suggested by the cited Ponnekanti, the cited Huang, or the cited Watkins.

Furthermore, according to MPEP (Rev. 1, Feb 2003) §2143.01 (page 2100-125) "fact that references can be combined or modified is not sufficient to establish prima facie obviousness" and "the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." Applicants submit that the Examiner's proposed modification of Huang is improper because the Examiner has not provided any objective teaching of a suggestion or proper motivation to indicate that the cited Huang, or the cited Ponnekanti, or the cited Watkins, suggest the desirability of the claimed combination of selecting, by a heuristic function, one of a first operation and second operation, wherein the first operation incrementally updates the index on the table as each received data record is added to the table and the second operation rebuilds the index from the table after all the received data records have been added to the table. Increasing

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the speed of retrieving a particular data record of a table, increasing database system response time as mentioned by the Examiner are inadequate motivation for the combination because such increase in speed and system response can be used for improving any database system and are not provided as motivation for arriving at the claim requirements for selecting, by a heuristic function, one of a first operation and second operation, wherein the first operation incrementally updates the index on the table as each received data record is added to the table and the second operation rebuilds the index from the table after all the received data records have been added to the table. The Examiner is using hindsight to combine the cited Huang, the cited Watkins, and the cited Ponnekanti to arrive at the claim requirement.

For the above reasons, pending dependent claims 57, 60, and 63 are patentable over the over the cited over the cited Ponnekanti, the cited Watkins, and the cited Huang because neither the cited Ponnekanti nor the cited Watkins nor the cited Huang teach or suggest all the claim limitations either alone or in combination.

9) Claim 58, 61, 64

Claim 58 depends on claim 57, wherein the heuristic determination function allows a user to specify a selection between an incremental update of the index and a full rebuild of the index.

The Examiner has merely indicated in page 4, Item 8 of the office action that claims 58, 61, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ponnekanti in view of Watkins. However, the Examiner has rejected [Page 11, Item 9 of the office action] as obvious (35 U.S.C. §103) pending claims 57, 60, 63 as being upatentable over Ponnekanti, in view of Watkins, and in view of Huang. Since pending claims 58, 61, and 64 depend from claims 57, 60, and 63 respectively, the pending claims 58, 61, 64 cannot be rejected as being unpatentable over Ponnekanti in view of Watkins, when the broader pending claims 57, 60, and 63 have been rejected as being unpatentable over Ponnekanti in view of Watkins and in view of Huang.

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Additionally, no specific reasons appear to have been provided by the Examiner for rejecting claim 58 apart from mentioning that in page 4, Item 8 of the office action that claims 58, 61, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ponnekanti in view of Watkins. Claims 61 and 64 have been rejected (Office Action: page 10) for reasons similar to the rejection of claim 58, where no specific reasons have been provided to reject claim 58. The Examiner may wish to telephone the Attorney/Agent for the Applicants for an interview to clarify the issue, should the Examiner maintain the rejection to the claims 58, 61, and 64,

10) Claim 59, 62, 65

Claim 59 depends on claim 57, wherein the heuristic determination function takes as input index meta-data.

The Examiner has also rejected [Office Action: Page 12: Item 10] as obvious (35 U.S.C. §103) pending claims 59, 62, 65 as being unpatentable over Ponnekanti, in view Watkins, and in view of Sundara (US 6,360,228).

Nowhere does the cited Sundara (col. 1, lines 54-67; col. 8: lines 2-42) teach or suggest the claim requirement of the heuristic determination function. Additionally, nowhere does the cited Sundara teach or suggest the claim requirement that the heuristic determination function takes as input index meta-data.

Col. 1, lines 54-67 of the cited Sundara discusses user supplied meta-data that defines an index type. Col. 8 lines 2-42 discusses breaking DDL operations into transactions and preventing a transactional context change for DML operations. So while the cited Sundara discusses use supplied meta-data, nowhere does the cited Sundara, the cited Ponnekanti or the cited Watkins teach or suggest the claim requirement that the heuristic determination function takes as input index meta-data.

(The Examiner is requested to note that he has rejected claims 59, 62, 65 in view of Sundara, in view of Ponnekanti and in view of Watkins. Claims 59, 62, and 65 depend on claims

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57, 60 and 63 respectively that were rejected by the Examiner in view of Huang, in view of Ponnekanti, and in view of Watkins. Applicants have presented reasons for the patentability of the rejected claims 59, 62, 65 based on the rejections of the claims in view of Sundara, in view of Ponnekanti, and view of Watkins.)

For the above reasons, pending dependent claims 59, 62, 65 are patentable over the over the cited over the cited Ponnekanti, the cited Watkins, and the cited Sundara because neither the cited Ponnekanti nor the cited Watkins nor the cited Sundara teach or suggest all the claim limitations either alone or in combination.

#### Conclusion

For all the above reasons, Applicant submits that the pending claims 27-65 are patentable over the art of record. Applicants have not added any new claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 50-0585. The attorney/agent of record invites the Examiner to contact him at (310) 557-2292 if the Examiner believes such contact would advance the prosecution of the case.

Dated: May 25, 2004

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